

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

EMILY FITZMORRIS, et al.,

Plaintiffs,

v.

NEW HAMPSHIRE DEPARTMENT OF  
HEALTH AND HUMAN SERVICES AND  
COMMISSIONER LORI WEAVER,

Defendants.

Case No. 21-cv-00025-PB

**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF ON BEHALF OF  
JUSTICE IN AGING, THE CENTER FOR MEDICARE ADVOCACY, THE CENTER  
FOR PUBLIC REPRESENTATION, DISABILITY LAW UNITED, DISABILITY  
RIGHTS EDUCATION AND DEFENSE FUND, NATIONAL CONSUMER VOICE FOR  
QUALITY LONG-TERM CARE, AND THE NATIONAL HEALTH LAW PROGRAM  
IN SUPPORT OF PLAINTIFFS**

For the reasons set forth in the attached Memorandum, Justice in Aging, the Center for Medicare Advocacy, the Center for Public Representation, Disability Law United, Disability Rights Education and Defense Fund, National Consumer Voice for Quality Long-Term Care, and the National Health Law Program (collectively “*Amici*”) respectfully request that the Court grant leave to file the proposed *amicus* brief attached as Exhibit A hereto.

The undersigned conferred with counsel for Plaintiffs and Defendants in this matter to seek consent to file the attached *amicus* brief. Plaintiffs consented to the filing of the attached *amicus* brief, and stated, “[i]f the Court were to grant the *Amici*’s motion for leave to file an *amicus* brief, and if the Court were to permit Defendants to respond to the *amicus* brief, Plaintiffs would agree that Defendants would have a short time period, set by this Court, in which to file

Defendants’ response, if any, to the *amicus* brief.” Defendants’ counsel stated that Defendants “do not consent to this amicus filing because it is untimely.”

WHEREFORE, *Amici* respectfully request this Court grant leave to file the attached proposed *amicus* brief.

Respectfully submitted,

FOX & ROBERTSON, PC

/s/ Amy F. Robertson

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*Pro hac vice pending*

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JUSTICE IN AGING

/s/ Liam McGivern

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*Pro hac vice pending*

Counsel for *Amici*

Dated: July 30, 2025

**Certificate of Service**

I hereby certify that on July 30, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Kirk Simoneau  
Kirk Simoneau